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HOUSE BILL 11

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jeannette O. Wallace

AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF CHAPTER 17
NMSA 1978 TO PROVIDE FOR THE ISSUANCE OF VALLES CALDERA ELK
LICENSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-3-16 NMSA 1978 (being Laws 1964
(1st. S.S.), Chapter 17, Section 7, as amended) is amended to
read:

"17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES--VALLES
CALDERA ELK ENHANCEMENT LICENSES.--

A. The director of the department of game and fish
may provide special envelopes and application blanks when a
special drawing is to be held to determine the persons to
receive licenses. Money required to be submitted with these
applications, if enclosed in the special envelopes, need not be

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1 deposited with the state treasurer but may be held by the
2 director until the successful applicants are determined. At
3 that time, the fees of the successful applicants shall be
4 deposited with the state treasurer and the fees submitted by
5 the unsuccessful applicants shall be returned to them.

6 B. Except as provided in Subsection F of this
7 section, beginning with the licenses issued from a special
8 drawing for a hunt code on public lands that commences on or
9 after April 1, 1997:

10 (1) twenty-two percent of the licenses shall
11 be issued to nonresidents divided as follows:

12 (a) twelve percent of the licenses to be
13 drawn by nonresidents who will be guided by a New Mexico
14 outfitter or guide; and

15 (b) ten percent of the licenses to be
16 drawn by nonresidents who are not required to be guided by a
17 New Mexico outfitter or guide; and

18 (2) seventy-eight percent of the licenses shall
19 be issued to residents of New Mexico.

20 C. If the number of nonresidents or residents who
21 apply for licenses pursuant to the provisions of Paragraphs (1)
22 and (2) of Subsection B of this section does not constitute the
23 allocated percentages for either category of nonresidents or
24 residents, then the additional licenses available shall be
25 granted to the other category of nonresidents or residents.

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1 D. If the determination of the percentages in
2 Subsection B of this section yields a fraction of:

3 (1) five-tenths or greater, the number of
4 licenses to be issued shall be rounded up to the next whole
5 number; and

6 (2) less than five-tenths, the number of
7 licenses shall be rounded down to the next whole number.

8 E. The fee for a nonresident license for a special
9 drawing in a high-demand hunt covered in Subsection B of this
10 section shall be assessed at the same rate as a license for
11 nonresident quality elk or quality deer. As used in this
12 subsection, "high-demand hunt" means:

13 (1) a hunt where the total number of
14 nonresident applicants for a hunt code in each unit exceeds
15 twenty-two percent of the total applicants and where the total
16 applicants for a hunt exceeds the number of licenses available
17 based on application data indicating that this criteria
18 occurred in each of the two immediately preceding years; or

19 (2) an additional hunt code designated by the
20 department of game and fish as a quality hunt.

21 F. Effective July 1, 2009, the director of the
22 department of game and fish shall issue no less than fifteen
23 but no more than twenty bull elk hunting enhancement
24 authorizations to purchase a license each year to the Valles
25 Caldera national preserve for the lawful taking of bull elk

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1 within the preserve. These authorizations are exempted from
2 the provisions of Subsection B of this section. The preserve
3 shall issue the enhancement authorizations to enhance wildlife
4 habitat and assist in meeting the congressional mandate to the
5 preserve of becoming financially self-sustaining while
6 preserving the lottery system offering the remaining bull and
7 cow elk authorizations at a reasonable cost to the public. The
8 preserve shall determine the manner of issuance of the
9 authorizations pursuant to this subsection either by auction,
10 lottery or as otherwise determined by the board of trustees of
11 the preserve. Money collected from all Valles Caldera national
12 preserve elk authorizations shall be retained by the preserve."

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